

1904-022
Lee Co.

Chancery Causes: Birdsell Co] & vs. H. L. Sprinkle &

Eagle Machine Works], Charles Weiler & Son], Munsey, Houndshell,
Debusk, James, Anderson, Butler, Dulaney, Sparger, Caldwell,
Boreing, Harris, Warden, Bailey, Kemmerer, Barker, Adams,
Black Mountain Coal & Coke Co], Sturgill, Herron, Taylor, Ayers,
Hounshell, Dixon

-Deed

CA - Debt
T - Property

To the Honorable H.A. W. Skeen Judge of the Circuit Court
of Lee County, Virginia:

Humbly complaining your complainant, "The Birdsall Company, a Corporation of New York, would respectfully show your honor that on the 31st day of August 1885, they obtained judgment in the Circuit Court of Lee County Va. against one H.L. Sprinkle and L. W. Wells, for the sum of \$670.34 with interest from the 17th day July 1884 till paid and \$14.07 costs; that the "Eagle Machine Works" a corporation, in the same Court and at the same time obtained judgment against the same defendants for the sum of \$266.66 with interest from from the 17th day of July 1884 & 10% commission att'y fee) till paid and \$14.07 costs; that on the same day and in the same Court aforesaid, Charles Weiler & Son obtained judgment against H.L. Sprinkle, for the sum of \$134.79, with legal interest from the 9th day of Sept. 1884 till paid and \$8.94 cost; that on the 16th day of March 1894, A.B. Munsey obtained judgment in the same Court against H.L. Sprinkle for the sum of \$125.00, with interest on \$50. part thereof from the 3rd day of July 1893, & on \$50. another part thereof from August 3rd 1893 and on \$25. the residue thereof from the 3rd day of September 1893 until paid and \$10.00 cost. *that no part of any of said judgments have ever been paid, but is owing and unpaid.*

Your complainants allege that executions issued immediately on all of the aforesaid judgments, after their rendition, and were duly returned by the Sheriff of Lee County, in whose hands they were placed, "No property found". Attested Copies of said executions and judgments are here filed marked from "1" to "8" inclusive and asked to be treated and considered as part of this bill,.

Your complainants allege that all of their aforesaid judgments have been duly docketed in the Judgment Lien docket in the County Court Clerk's office of Lee County Va. and properly indexed, (attested copies from said Judgment Lien docket showing the date of docketing, are here filed and marked from "9" to 12, inclusive, and prayed to be treated as part of this bill.

Your complainants would now show your honor that their aforesaid judgments are ~~a~~ valid subsisting liens on the interest of H.L. Sprinkle in the following described tracts of land to wit:

121, A one-~~sixth~~^{fifth} interest in a 500 acre tract situated in the Crab Orchard, In Lee County Va. having been willed and devised to Julian Sprinkle and her children, by John C Olinger Sr. and is more particularly described in a deed made by Ira G. Sprinkle and others on the 25th day of February, 1882, to John E. Debusk, but not recorded until the 28th day of November 1885, (something like two months after the docketing of complainant's first three judgments) an attested copy of said deed is here filed marked exhibit "A" for a more particular description of said land reference is here made, and said copy is here asked to be treated and made a part of this bill.

Your complainants "The Birdsall Co., "Eagle Machine Works" & A. B. Murphy, and Charles Weiler & Son, allege that their aforesaid judgments are valid subsisting liens against, the one-~~sixth~~^{fifth} interest in the aforesaid 500 acre tract of land, formerly owned by H.L. Sprinkle.

2nd, Your complainants further allege that the said H.L. Sprinkle formerly owned and now owns a one-fifth~~th~~ interest in a tract of land situated in the Crab Orchard, Lee County Va, containing about 208 acres more or less and was laid off and assigned to Julian Sprinkle in the partition of the lands of John C. Olinger dec, and at her death descended to her son H.L. Sprinkle and others said 208 acre tract of land is more fully described in a deed made or attempted to be made, by H.L. Sprinkle and others on the 10th day of December 1888, to Vincent Boreing, who is now in possession of the whole of said land, an attested copy of said deed aforesaid is here filed marked B" and asked to be treated and made a part of this bill, and to which reference is made for a more particular description

Your complainants allege that all of their said judgments are valid subsisting liens against one-fifth of the aforesaid tract of 208 acres of land, in the order of their respective priorities, to wit, considering date of judgments.)

Your complainants allege that L.W. Wells is~~is~~ insolvent and has no estate in this County and State.

Your complainants are informed believe and charge that John E. Debusk ~~and~~ sold and conveyed the aforesaid ~~the~~ 500 acre tract of land to several persons and from the best information, your complainants can obtain, it is claimed, and in the possession of Calvin Houndshell, Elizabeth Houndshell, John W. Debusk, Francis Debusk

Starlin Debusk, Walter Debusk, M.M. Butler, B.L. Dulaney, B.J. James
Mary J. James, W.A. Sparger, I.S. Anderson, and J.H. Caldwell; that they
purchased from John E. Debusk or his vendees.

Your Complaints^{as} allege that said lands aforesaid will not
rent for enough in five years to pay their said judgments, and further
allege that there are no other valid subsisting liens binding
on said lands, but theirs.

The object therefore of your complainants bill is ; that
H.L. Sprinkle, Calvin Houndshell, Elizabeth Houndshell, Vincent
Boreing, John W. Debusk, Francis Debusk, Starlin Debusk, Walter Debusk
M.M. Butler, B.L. Dulaney, B.J. James, Mary J. James, ~~W.A. Sparger~~,
I.S. Anderson and J.H. Caldwell, be made parties defendant to this
bill and answer the same but not on oath that being waived; that
an order of publication be posted and published against the non-
resident defendants who are, Vincent Boreing, M.M. Butler, B.L. Dulaney
H.L. Sprinkle, ~~W.A. Sparger~~, J.H. Caldwell and John W. Debusk, ; that said
lands or interest in lands be sold to pay your complainant's said
judgments, or if thought most advisable, that Commissioners be
appointed to partition said lands, and lay off and assign to
H.L. Sprinkle a one-~~fif~~th interest in the 500 acre tract and
one -fifth interest in the 208 acre tract, before any sale is made;
And your complainants ask for all other relief generally that the
nature of their case may require, or to equity seem meet, and
they will ever pray &c.

M. G. Ely,

P.Q.

C 6.75-
Sff 50
atty 250
Coc 25
\$10.00

Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, That of the goods and chattels of H. L. Sprinkle

in your bailiwick, you cause to be made \$125.00 one hundred and twenty
five dollars

on \$50.00 part thereof from the 3rd day of July 1893, & on \$50.00 another part thereof from Aug 3rd
with interest at the rate of six per centum per annum, from the 3rd day of September 1893 until paid, which A. B. Munsey 1893 and on \$25.00, the residue thereof

late in our Circuit Court of the County of Lee, has recovered against the said H. L. Sprinkle, as well for a debt as interest thereon; also \$10.00

Ten dollars and cents, which to the said

A. B. Munsey in the same court were adjudged for his costs

by him about his suit in that behalf expended, whereof the said H. L. Sprinkle

is convict as appears to us of record. And how you shall have executed this

writ make known at the rules to be holden in the clerk's office of our said Circuit Court on

the 1st Monday in Febry next. And have then there this writ.

Witness, A. B. MUNSEY, Clerk of our said court, at the court-house, this 3rd day of
December 1900, and in the 125th year of the Commonwealth.

A. B. Munsey Clerk

This fi fa is subject to a credit of eighty five dollars
as of June the 2nd 1894.

Rec

Form No. 214.

E. B. No. 4 p. 124

A B Munsey

vs.

FI. FA.

IN DEBT.

H. L. Sprinkle

p. q.

Came to hand Dec 5-

1894, at 7:30'clock A. M.

To St. Feby Rules, 1894

Leicant Court,

Judgt March 16 1894

O. B. No. 4 p. 354

Not Executed
Property found
This Feb 12 1894
for W. J. Melchior

The Commonwealth of Virginia,

To the Sheriff of Lee County--Greeting:

We Command You, That of the Goods and Chattels of

Of L. Sprinkle & L. H. Wells

late in your Bailiwick, you cause to be made \$ *670.34*, with legal interest thereon from the *17th* day of

July, 18*84*, till payment, which

The Birdsall Co.

lately in our Circuit Court of Lee County, ha^{ve} recovered against

them

by suit for *Debt*

Also, \$ *14.07*, which to the said

Birdsall Co

in our Court were adjudge for *their* costs in

that behalf expended, whereof the said

Sprinkle & Wells are

convicted, as appears to us of record. And that you

have the same before the Judge of our said Court at the Court House on the first Monday in

November

next, to render to the said

Birdsall Co.

of the

Debt

and costs as aforesaid.

And have then and there this Writ.

Witness, J. A. G. HYATT, Clerk of our said Court, at the Court House, this

3rd

day of

Sept.

188*5*, in the *10*

year of the Commonwealth.

J. A. G. Hyatt Clerk.

6 5.82
6 3 5
6 2.50
6 5.00
6 25
6 14.07

215) Direct (P)
Aug. 31-

The Birdsall Co

vs. L. A. Ha

H. L. Sprinkle et al

To November Rules 1886

No property found
R. D. Flannery & Co

(2)

The Commonwealth of Virginia,

To the Sheriff of Lee County--Greeting:

We Command You, That of the Goods and Chattels of

H. L. Sprinkle

late in your Bailiwick, you cause to be made \$ *134.79*, with legal interest thereon from the *9th* day of *Sept*, 18 *84*, till payment, which

Chas. Weiler & Son

lately in our Circuit Court of Lee County, have recovered against *him* by suit for *Debt*

Also, \$ *8.94*, which to the said

Weiler & Son

in our Court were adjudge for *their* costs in

that behalf expended, whereof the said

Sprinkle is

convicted, as appears to us of record. And that you

have the same before the Judge of our said Court at the Court House on the first Monday in *November*

next, to render to the said

Weiler & Son

of the *Debt* and costs as aforesaid. And have then and there this Writ.

Witness, J. A. G. HYATT, Clerk of our said Court, at the Court House, this *3rd* day of *Sept*,

188*5*, in the *10* year of the Commonwealth.

J. A. G. Hyatt Clerk.

65.19
5 1.00
4 2.50
66 2.50
88.94

216) circ t
Aug. 31 (P)

1
31

Chas. Weiler & Son
res. Hi Ha

H. L. Sprinkle

Lo November Rules 1885

No property found
R. D. Flannery & Co

The Commonwealth of Virginia,

To the Sheriff of Lee County--Greeting:

We Command You, That of the Goods and Chattels of

H. L. Sprinkle
and L. W. Wells

late in your Bailiwick, you cause to be made \$ 266.66, with legal interest thereon from the 17th day of July ^{& 10% com, atty fee} 1884, till payment, which Eagle Machine Works

lately in our Circuit Court of Lee County, have recovered against them by suit for Debt

Also, \$ 114.07, which to the said Eagle Machine Works in our Court were adjudge for their costs in

that behalf expended, whereof the said Sprinkle & Wells convicted, as appears to us of record. And that you

have the same before the Judge of our said Court at the Court House on the first Monday in November next, to render to the said Eagle Machine Works

of the Debt and costs as aforesaid. And have then and there this Writ.

Witness, J. A. G. HYATT, Clerk of our said Court, at the Court House, this 30th day of Sept

1885, in the 10 year of the Commonwealth.

J. A. G. Hyatt Clerk.

65-82
50
2-50
Pr. 5-00
25
66-14-07

215) direct
Aug. 31

(D)

Eagle Machine Works
vs. Hi Ha
H. L. Sprinkle & L. H. Wells

(4)

No property found
R. S. January, 1886

This deed made this 25th day of February 1882, between Ira G. Sprinkle and Julia Ann Sprinkle his wife, Wm. S. Hurst and Eliza J. Hurst his wife, Lafayette M. Zion and Manerva C. Zion his wife, and Harvey I. Sprinkle and Martha S. Sprinkle his wife, and John Collier and Dorthula Collier his wife, of the first part and John E. DeBusk of the second part, all of the County of Lee and State of Virginia, Witnesseth; That the parties of the first part for and in consideration of the sum of Eight hundred dollars in hand paid by the party of the second part, the receipt whereof is hereby acknowledged doth by these presents, give, grant, bargain, sell, deliver and convey unto the said John E. DeBusk a certain tract or parcel of land lying and being in said County and in the Crab-orchard and on the waters of the North Fork of Powells river containing 500 acres be the same more or less and is the same land which was devised to said Julia Ann Sprinkle by John C. Olinger decd by his last will and testament and is bounded as follows to-wit; Beginning at the mouth of Well's branch thence up the same as it meanders to a stake corner to Wm. J. Collier's land below where the wagon road crosses said branch thence with said Colliers line N 30° W 66 poles to a stake on the Big Crab-Orchard creek and thence down the same as it meanders 42 poles to a stake a little above the bridge across the creek thence N 8° W 50 poles to a maple and dogwood on a line of the Morris land and with lines thereof N 65° E 100 poles to two white oaks and maple thence N 12° W 16 poles to two white oaks and a maple corner to Reasor's land and with a line thereof N 50° E 12 poles to a black oak thence S 40° E 100 poles to two white oaks on the South side of said Crab-Orchard Creek thence S 30° E 92 poles to two white oaks on the South side of said Well's branch by the old road thence due south 162 poles to a chestnut, chestnut oak and chestnut sprout on the top of the North Fork ridge thence S 24° W 100 poles to a stake on the North fork of Powells river and thence down the same as it meanders to the beginning, To have and to hold the said tract or parcel of land with all of its appurtenances unto the said John E. DeBusk and his heirs forever. And the parties of the first part hereby covenant that they will

warrant generally the title to the land hereby conveyed against the claims of all persons. Witness the following signatures and seals,

Wm. S. Hurst (Seal)
his

Ira x G. Sprinkle (Seal)
mark

H. L. Sprinkle (Seal)

Lafayette M. Zion (Seal)

John Collier (Seal)

Eliza Jane Hurst (Seal)

Manerva C. Zion (Seal)

Martha S. Sprinkle (Seal)

Julian Sprinkle (Seal)

Dorthula Collier (Seal)

Virginia, Lee County to-wit;

I, John B. West a Notary Public for said county in the State of Virginia do certify that Ira G. Sprinkle, and Julia Ann Sprinkle his wife, Wm. S. Hurst and Eliza J. Hurst his wife, Lafayette M. Zion and Minerva C. Zion his wife, and Harvey L. Sprinkle and Martha S. Sprinkle his wife, and John Collier & Dorthula his wife, whose names are signed to the foregoing deed bearing date Feb. 25th 1882, each personally appeared before me in the County aforesaid and acknowledged said writing to be their joint and several act and deed and Julia A. Sprinkle wife of said ira G. Eliza, J. Hurst wife of said Wm. S. Manerva C. Zion wife of said Lafayette M. and Martha S. Sprinkle wife of said Harvey L. being examined by me privily and apart from their said husbands and having the deed aforesaid fully explained to them declared that they had each willingly signed and executed the same and did not wish to retract it. Given under my hand this the 26th day of August 1882.

John B. West N. P.

Virginia, Lee County Court Clerk's Office the 28th day of Nov. 1885, the foregoing deed bearing date Feb. 25th 1882 between Ira G. Sprinkle & Julia A. his wife, Wm. S. Hurst & Eliza J. his wife, Lafayette M. Zion & Minerva C. his wife, Harvey L. Sprinkle and Martha S. his wife, John Collier & Dorthula his wife parties of the first part and John E. DeBusk party of the second part all of Lee County Va. was this day filed in this Office and admitted to record upon the certificate of John B. West a Notary Public for Lee County Virginia.

A Copy Teste; *B. M. Morgan* Clerk.

(D. B. 21 page 300)

Teste; John R. Gibson Clerk.

Teste; John R. Gibson Clerk.

Ira Sprinkle etals
To: Deed
John DeBusk

copy

(a)

Clark 75-cts.

This deed made and entered into this the 10th day of December 1888, by and between Arminta Reese and D. G. Reese her husband Amanda M. Parsons, Jacob B. Olinger and Martha Olinger his wife, and William S. Hurst and Eliza Hurst his wife, Harvey L. Sprinkle and Martha S. Sprinkle his wife, L. M. Zion & Minerva C. his wife, John Collier & Dorthula his wife, the said Eliza J. Hurst and Harvey L. Sprinkle, Minerva C. Zion and Dorthula Collier being children and heirs at law of Julia A. Sprinkle formerly Olinger, and Ira G. Sprinkle surviving husband of the said Julia A. Sprinkle deceased, of the County of Lee and State of Virginia of the first part and Vincent Boring of the County of Laurel and State of Kentucky of the other part:

Witnesseth, that for and in consideration of the sum of Four dollars per acre or three thousand two hundred and sixteen dollars (\$3216.00) dollars cash in hand paid the receipt of which is hereby acknowledged the said parties of the first part have this day granted, bargained and sold and by these presents do grant, bargain, sell and convey to the said Vincent Boring all that certain tract or parcel of land situated in the Crab-orchard on the north side of Stone Mountain in Lee County Virginia, being a part of the land owned by John C. Olinger Sen. deceased at the time of his death and in the partition of his lands the same was assigned to the said Jacob Olinger Julia A. Sprinkle, Amanda M. Parsons and Arminta Reese which said partition is duly recorded in the Clerk's Office of the Lee County Court in Deed Book No. 20 pages 160 & 161, and and bounded as follows to-wit; Beginning at a double spruce pine where the waters of the Crab-orchard and Well's branch empty in to the North fork of Powells river marked "A" on said plat and partition thence N 1 1/2 W 425 poles to a stake on the original line of the Taylor Fields land and Johnson survey and with the same S 51 3/4 E 156 poles to two chestnuts and two gums on top of Stone Mountain a corner to the said Taylor Fields and Johnson survey and with the top of said Mountain N 70 E 62 poles N 10 E 40 poles to a chestnut N 68 E 40 poles to three hickories N 39 E 9 poles to a double chestnut N 72 E 36 poles to a chestnut oak and two chestnuts N 41 E 22 poles to a chestnut oak N 80 E 50 poles to a white oak corner

to John C. Olinger land thence leaving the top of said Mountain and with the said Olinger line N 3 E 280 poles to a stake corner to Armintha Reese lands and with lines thereof South 60 1/2 W 14 poles to a stake N 29 1/2 W 84 poles to a stake on the bank of the North Fork and with the same N 42 W 6 poles N 77 W 8 poles S 33 W 20 poles S 55 W 5 poles S 2 W 22 poles S 51 W 28 poles S 87 W 20 poles to a stake thence continuing with said North Fork N 66 W 10 poles N 46 W 40 poles S 85 W 62 poles N 50 W 30 poles N 87 W 22 poles S 66 W 13 1/2 poles S 87 West 18 poles N 64 W 40 poles N 15 W 55 poles to the beginning, containing ----acres be the same more or less. To have and to hold to the said party of the second part and his heirs forever, together with all and singular the appurtenances thereunto belonging. And the said parties of the first part do hereby covenant with the party of the second part that they will warrant generally the lands hereby conveyed, that they have the right to convey the same to the grantee that they have done no act to encumber said property that they grant shall have quiet possession of said property free from all encumbrances whatever, that said parties of the first part will execute such further assurances of said land as may be requisite. Witness the following signatures and seals, this the day and date first above written.

David G. Reese (Seal)

Jacob B. Olinger ((Seal)
her

Martha J. x Olinger (Seal)

Armintha Reese (Seal)

Armintha Reese (Seal)

L. M. Zion ((Seal)

Minerva C. Zion (Seal)

Amanda M. Parsons (Seal)

W. S. Hurst (Seal)

Eliza J. Hurst (Seal)
his

Ira x G. Sprinkle (Seal)
mark

John Collier (Seal)

Dorthula Collier (Seal)

State of Virginia, Lee County to-wit;

I, John Riddle a Justice of the Peace for the County aforesaid in the State of Virginia, do certify that ^{Jacob}~~John~~ B. Olinger & Marthy J. Olinger his wife and Araminta Reese whose names is signed to the ^{writing} above bearing date on the 10th day of December 1888, has acknowledged the same before me in my County aforesaid. Given under my hand this 12th day of December 1888.

John Riddle J. P.

State of Virginia, Lee County to-wit;

I, John Riddle a Justice of the peace for the County aforesaid in the State of Virginia, do certify that David G. Reese whose name is signed to the writing above bearing date on the 10th day of December 1888, has acknowledged the same before me in my County aforesaid. Given under my hand this the 14th day of February 1889.

John Riddle J. P.

Virginia, Lee County to-wit;

I, John R. Gibson, Clerk of the County Court for the County aforesaid in the State of Virginia, do certify that L. M. Zion & M. C. Zion his wife & A. M. Parsons whose names are signed to the writing above bearing date on the 10th day of Dec. 1888, have acknowledged the same before me in my County aforesaid. Given under my hand this 24th day of Dec. 1889.

John R. Gibson Clerk.

Virginia, Lee County to-wit;

I, John R. Gibson Clerk of the County Court for the County aforesaid, ^{in the State of Virginia} do certify that Wm. S. Hurst & Eliza J. his wife whose names are signed to the writing above bearing date on the 10th day of Dec. 1888, have acknowledged the same before me in my County aforesaid. Given under my hand the 30th day of Dec. 1888.

John R. Gibson Clerk.

Virginia, Lee County to-wit;

I, John R. Gibson Clerk of the County ^{Court for the County} aforesaid in the State of Virginia do certify that Ira G. Sprinkle whose name is signed to the writing above

bearing date on the 10th day of Dec. 1888, have acknowledged the same before me in my County aforesaid. Given under my hand this 7th day of January 1889

John R. Gibson Clerk.

Virginia, Lee County to-wit;

I, John R. Gibson Clerk of the County Court for the County aforesaid in the State of Virginia, do certify that John Collier & Dorthula his wife, whose names are signed to the writing above bearing date on the 10th day of Dec. 1888, have acknowledged the same before me in my County aforesaid. Given under my hand this 4th day of Feby 1889.

John R. Gibson Clerk.

Virginia, Lee County to-wit;

In the office of the Clerk of the said County the 11th day of November 1891, this deed was presented and together with the certificate s thereto annexed, admitted to record.

Teste; John R. Gibson Clerk.

A Copy Teste; ~~B. M. Morgan~~ Clerk.
(D. B. 27 page 298&c)

H. L. Sprinkles
To { Deed
Vincent Boring

Copy.

B.

Clerk \$1.00

Judgment Lien Docket

Date of Judgment	By what court rendered	Time of Docketing	Names and description of Parties	Debt, damages, interest and Cost	Amount and date of Credits
1885- Aug. 31	Lee Co. Circuit Court	1885- Sept. 3 rd	Birdsall Co vs H. L. Sprinkle + L. W. Wells of Lee Co, Va	Plff. Judgment for \$670.34 with legal interest thereon from the 1 st day of July 1884 till paid + the costs. C. 5.82 S. 00 A. 2.50 Pr. 5.00. Defts. Co. C. 25-	14.07

Virginia - In Lee County Court Clerks Office:

I, B. M. Morgan, Clerk of said court, do certify that the foregoing is a true copy of a judgment in favor of Birdsall Co. vs H. L. Sprinkle + L. W. Wells, as appears of record on Judgment Lien Docket No 2 page 133 of Lee County Court, and that the same is properly indexed in the name of H. L. Sprinkle + L. W. Wells said defendants. Given under my hand this 20th day of Sept 1902

Res: B. M. Morgan clerk

Birdall Co.

(96)

Clack 25 cts



Judgment Lien Docket

Date of Judgment	By what Court rendered	Time of Docketing	Names and Descriptions of Parties	Debt, damages, interest and cost	Amount and date of Credits
1885 - Aug 31	Lee Circuit Court	1885 - Sept 3 rd	Charles Weiler & Son Plff. vs H. L. Sprinkle of Lee Co. Va. Deft	Judgment for \$134.79 with legal interest thereon from the 9 th day of Sept 1884 till paid & the costs. C. S. 19, D. 1.00 A. 2.50 Co. C. 25 - 8.94	

Virginia - In Lee County Court Clerks Office :-

I, B. M. Morgan, Clerk of said Court, do certify that the foregoing is a true copy of a Judgment in favor of Charles Weiler & Son vs H. L. Sprinkle, as appears of record on Judgment Lien Docket No 2, page 133. of Lee County Court, and that the same is properly indexed in the name of H. L. Sprinkle said defendant. Given under my hand this 20th day of Sept. 1902.

Teste: B. M. Morgan clerk

Chas. Miller & Son

clerk 25 cts

(10)

Judgment Lien Docket

Date of Judgment	By what Court rendered	Time of Docketing	Names and Descriptions of Parties	Debt, damages, interest and Costs	Amount and date of Credits
1885- Aug 31.	Lee Co Circuit Court	1885- Sept 3 rd	Eagle Machine Works vs H. L. Sprinkle & L. W. Wells. of Lee Co. Va.	Plffs- Judgment for \$266.66 with legal interest thereon from the 17 th day of July 1884, & 10% com Atty fee till paid and costs, C 5.82. D. 50 A. 2.50 P. 3.00 Co. C. 25; Defts	14.07

Virginia - In Lee County Court Clerks Office;

I, B. M. Morgan, Clerk of said Court, do certify that the foregoing is a true copy of a Judgment in favor of Eagle Machine Works vs H. L. Sprinkle & L. W. Wells as appears of record on Judgment Lien Docket No. 2 page 132 of Lee County Court, and that the same is properly indexed in the name of H. L. Sprinkle & L. W. Wells said defendants. Given under my hand this 20th day of Sept. 1902.

Respectfully,
B. M. Morgan clerk.

Eagle Machine Hooks

- -

• •
• •

clerk 25-cts

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11

The Birdsall Co^{rs}
vs. Billie Chauncy
D. L. Sprinkles et al

1902 2nd October rules
Bill filed Spa exerts
on home debts D.R.
& O.P. for nonrecidents
11 1st November rules
held the last Monday
in Oct D.R. Confd
O.P. Complete and Cause
set for hearing

#15500
\$10.00
Nov 12-1904

To the honorable H. A. W. Skeen, Judge of Circuit Court of Lee County Virginia.

Humbly complaining, your complainants, The Birdsall Co., a corporation, The Eagle Machine Works, a corporation, Charles Weiler & Son and A. B. Munsey would respectfully represent and show unto your honor, that heretofore, to wit: at the 2nd October rules, 1902. they filed their original bill in your honors court against H. L. Sprinkle and others, which is in the following language, to wit:

(Humbly complaining, your complainant, "The Birdsall Company, a Corporation of New York, would respectfully show your honor that on the 31st day of August 1885, they obtained judgement in the Circuit Court of Lee County Va. against one H. L. Sprinkle and L. W. Wells, for the sum of \$670.34 with interest from the 17th day of July 1884 till paid and \$14.07 costs; that the "Eagle Machine Works" a corporation, in the same court and at the same time obtained judgment against the same defendants for the sum of \$266.66 with interest from the 17th day of July 1884 & 10% commission, Att'y fee, till paid and \$14.07 costs; that on the same day and in the same court aforesaid Charles Weiler & Son obtained judgment against H. L. Sprinkle for the sum of \$134.79, with legal interest from the 9th day of Sept. 1884, till paid and \$8.94 cost; that on the 16th day of March 1894, A. B. Munsey obtained judgment in the same court against H. L. Sprinkle for the sum of \$125.00, with interest on \$50.00 part thereof from the 3rd day of August 1893 and on \$50.00, another part thereof from August 3rd 1893, and on \$25.00, the residue thereof from the 3rd day of Sept. 1893 until paid, and \$10.00 cost; that no part of any of said judgments have been paid but is owing and unpaid.

Your complainants allege, that executions issued immediately on all of the ~~said~~ aforesaid judgments, after their rendition, and were duly returned by the Sheriff of Lee County, in whose hands they were placed, "No property found". Attested Copies of said executions and judgments are here filed marked from "1" to "8" inclusive and asked to be treated and considered as part of this bill.

Your complainants allege, that all of their aforesaid judgments have been duly docketed in the Judgment Lien Docket in the County Court Clerk's office of Lee County Va. and properly indexed, (attested copies from said Judgment Lien Docket showing the date of docketing are here filed and marked from "9" to "12", inclusive, and prayed to be treated as part of this bill).

Your complainants would now show your honor that their aforesaid judgments are valid subsisting liens on the interest of H. L. Sprinkle in the following described tracts of land to wit: A one fifth interest in a 500 acre tract situated in the Crab Orchard, in Lee County Va. having been willed and devised to Julian Sprinkle and her children, by John C. Olinger Sr. and is more particularly described in a deed made by Ira G. Sprinkle and others on the 25th day of Feb. 1882, to John E. Debusk, but not recorded until the 28th day of Nov. 1885, (something like two months after the docketing of complainant's first three judgments) an attested copy of said deed is filed marked exhibit "A" for a more particular description of said land reference is here made, and said copy is here asked to be treated and made part of this bill.

Your complainants, "The Birdsall Company", "Eagle Machine Works" and Charles Weiler & Son, ^{and A. B. Munsey} allege that their aforesaid judgments are valid, subsisting liens against the fifth interest in the aforesaid 500 acre tract of land, formerly owned by H. L. Sprinkle.

Your complainants further allege that the said H. L. Sprinkle formerly owned and now owns a one fifth interest in a tract of land situated in the Crab Orchard, Lee County Va. containing about 208 acres more or less and was laid off and assigned to Julian Sprinkle in the partition of the lands of John C. Olinger Dec., and at her

death descended to her son, H. L. Sprinkle and others, said 208 acre tract of land is more fully described in a deed made or attempted to be made, by H. L. Sprinkle and others on the 10th day of Dec. 1888, to Vincent Boreing, who is now in possession of the whole of said land, an attested copy of deed aforesaid is here filed marked "B" and asked to be treated and made a part of this bill, and to which reference is made for a more particular description.

Your complainants allege that all of their judgments are valid, subsisting liens against one fifth of the aforesaid tract of 208 acres of land, in the order of their respective priorities, to wit, considering date of judgments.

Your complainants allege that L. W. Wells is insolvent and has no estate in this County and State.

Your complainants informed, believe and charge that John Debusk sold and conveyed the aforesaid 500 acre tract of land to several persons and from the best information, your complainants can obtain, it is claimed, and in the possession of Calvin Houndshell, Elizabeth Houndshell, John W. Debusk, Francis Debusk, Starlin Debusk, Walter Debusk, M.M. Butler, B. L. Dulaney, B. J. James, Mary J. James, ~~W. A. Sparger~~, I. S. Anderson, and J. H. Caldwell; that they purchased from John E. Debusk or his vendees.

Your complainants allege that said lands aforesaid will not rent for enough in five years to pay their said judgments, and further allege that there are no other valid subsisting liens binding on said lands, but theirs.

The object therefore of your complainants bill is; that H. L. Sprinkle, Calvin Houndshell, Elizabeth Houndshell, Vincent Boreing, John W. Debusk, Francis Debusk, Starlin Debusk, Walter Debusk, ~~Walter Debusk~~, M. M. Butler, B. L. Dulaney, B. J. James, Mary James, ~~W. A. Sparger~~, I. S. Anderson, and J. H. Caldwell, be made parties defendant to this bill and answer the same but not on oath, that being waived; that an order of publication be posted and published against the non-resident defendants, who are, Vincent Boreing, M. M. Butler B. L. Dulaney, H. L. Sprinkle, J. H. Caldwell and John W. Debusk; that lands or interest in lands be sold to pay your complainants said judgments, or if thought most advisable, that Commissioners be appointed to partition said lands, and lay off and assign to H. L. Sprinkle a one fifth interest in the 208 acre tract, before any sale is made; and your complainants ask for all other relief generally that the nature of their case may require, or to equity seem meet, and they will ever pray &c.)"

Your complainants would now show your honor that at the Nov. term of your honor's court 1902, a decree was entered in said cause appointing Geo. P. Cridlin a special commissioner, among other things to ascertain and report whether or not any other parties were in possession or owned any of the lands described in said bill;

Said Cridlin filed his report in this cause on 21st day of Feb. 1903, and your complainants here refer to said Original bill and all the exhibits filed therewith, and make the same a part of this amended bill as fully as if copied and set out at length, and your complainants here reiterate and reaffirm each and every allegation, alleged in said original bill and refer to and make said Cridlin's report a part of this amended bill and ask that the same be treated as such.

Your complainants allege and charge, that H. F. Barker, referred to in said commissioner's report is dead, that he died on ____ day of

_____ 18__ leaving a widow, Jennie Barker and the following children, his heirs at law, James Barker, Sarah J. Adams, nee Barker, Ruthie Sturgill nee Barker, Emily Herron nee Barker, Eli Barker, and Henry Barker, who is an infant,

Your complainants allege, that in addition to the parties, set out in the original bill, as being owners and in possession of the 500 acre tract of land, that W. W. Taylor, R. A. Ayers, M. S. Kemmerer, executor of Annie L. Kemmerer, Crab Orchard Coal & Iron Co., a corporation, "defunct", Black Mountain Coal & Coke Co., a corporation, Robert Warden, Belle Harris, John Bailey, Thomas Harris are interested in or claim to own parts of the aforesaid described 500 acre tract of land, which your complainants are informed, when surveyed run out about 800 acres of land.

Your complainants all ege and charge that said deed made by Ira G. Sprinkle and others to John E. Debusk on the 25th day of Feb. 1882, as to the interest of H, L, Sprinkle in said tract of land, should be set aside and held as void because not recorded in the time required by law, and not recorded, as to H. L. Sprinkle, s interest before your complainant's said judgments were duly docketed and indexed in the Judgment Lien Docket in the County Court Clerk's office of Lee County Va..

Your complainants further allege and charge, that their several said judgments, by reason of the statute law of Va., are valid, subsisting and binding liens on and against the one fifth interest owned by H. L. Sprinkle, in the 500 acre tract and the 208 acre tract described in the deeds filed as exhibits with your complainant's original bill.

Your complainants therefore pray, that they may be allowed to file, this, their amended bill, and that H. L Sprinkle, Calvin Houndshell, Belle Harris, Thomas Harris, Vincent Boreing, John W. Debusk, Francis Debusk, Starling Debusk, Walter Debusk, M. M. Butler, B. L. Dulaney O. J. James, Mary J. James, I. S. Anderson and J. H. Caldwell Robert Warden, John Bailey, Black Mountain Coal & Coke Co. a corporation, M. S. Kemmerer, executor of Annie L. Kemmerer, Jennie Barker widow, James Barker, Sarah Adams, Ruthie Sturgill, Emily Herron ,

Eli Barker and Henry Barker (infant) W. W. Taylor and R. A. Ayers

~~be made parties defendant to this amended bill and answer the same~~

be made parties defendant to this amended bill and answer the same
that a Guardian ad Litem be appointed to defend for the infant defendant Henry Barker
but not on oath that being waived; that your honor grant unto your

complainants all the relief prayed for in their original bill, and

in addition thereto that the interest owned by H. L. Sprinkle in the
be sold.
aforesaid described tracts of land, that the deed made by Ira G.

Sprinkle and others to John E. Debusk as to H. L. Sprinkle's interest in
the same be set aside and held for naught, as to your complainant's
said judgments, and they be declared liens on said H. L. Sprinkle's
interest in the same, which your complainants allege to be one fifth
and your complainants pray for all other relief generally, that the
nature of their case may require, or to equity seem meet, will ever
pray &c.

m. G. Ealy,

Costs:

Munsey clk. \$10.90

Ewing " 1.33

Shiff. 7.50

Cour. H. C. 52.50

Printer 6.20

atty. 15.00

Estimated 5.00

\$98.43

^{1 copy}
The Birdsall Co. & others

vs. { Amended Bill.

{
H. L. Sprinkle and others.

1903 1st May rules amended
bill filed Spd & red.
+ D. N.

" 2nd May rules D. N.
Confirmed

Lee Circuit Court.

The Birdsall Co., et al.,

Plaintiffs.

v.

In Chancery.

H. L. Sprinkle, et al.,

Defendants.

THE ANSWER of I. S. Anderson, J. H. Caldwell, B. L. Dulaney, W. A. Sparger and M. M. Butler, ^{and the Block Mountain Coal & Coke Co., a corporation} to a bill exhibited against them and others in the Circuit Court of Lee County, Virginia, under the above styled caption.

Reserving to themselves all just exceptions to said bill, respondents, answering, say that they suppose it is true that the judgments referred to in the bill were rendered between the parties mentioned and for the sums mentioned in the said bill. These respondents know nothing of these matters, and require proof of the plaintiffs' allegations in this regard, and in all other matters.

They state that it is true that H. L. Sprinkle and others conveyed the tract of land in controversy, as is stated in the plaintiffs' bill, and that the said tract of land was derived through the will of John C. Olinger, deceased, but respondents say that no part of the judgments sued on herein are liens on the one-fifth interest in the said lands derived through H. L. Sprinkle, from the following facts, to-wit:

The said J. E. Debusk, in or about the year 1874, purchased the said tract of land from Julia Ann Sprinkle and her husband and children, including the said H. L. Sprinkle, who were devisees under the aforesaid will of John C. Olinger, deceased, by parol agreement, no writing having been executed to evidence the said sale, and the said J. E. Debusk, pursuant to the said parol sale, entered into possession of said tract

of land, and fully paid the purchase money, long before the deed was made to him which is in evidence in this cause, and from the time of his entering upon said tract of land, which was, as aforesaid, in or about the year 1874, he made valuable improvements upon the said land, and held the same continuously until the year 1882, at which time the said Julia Ann Sprinkle, and her husband and children, executed to the said Debusk the deed for said land which is in evidence. Respondents say that the said deed was the first writing which evidenced the said sale, and they are advised that, upon the facts above stated, the Statute of Frauds would not apply, and that it was immaterial as to the judgments in controversy whether or not the said deed to J. E. Debusk was ever recorded, and that said judgments cannot be enforced against the said lands.

But, if mistaken in this, respondents say further that, after the said John E. Debusk acquired title to said lands, he made several deeds of gift of portions thereof to his children, as follows:

By deed dated January 22, 1882, 111 acres to Paulser Debusk;

By deed dated January 22, 1882, 103 acres to Elizabeth Hounshell (formerly Debusk).

By deed dated December 26, 1882, 95 acres to Ellen Witt;

By deed dated November 4, 1885, 99 acres to Thomas R. Debusk;

By deed dated November 4, 1885, 97 acres to John W. Debusk;

the ~~grantees~~ ^{Respondents} say that no consideration was paid by any of the grantees in said deeds for the lands conveyed therein.

Subsequently, by deed dated August 21, 1890, the said J. E. Debusk, for a valuable consideration, conveyed 140 acres of the remaining portion, at that time owned by him, of the said original tract of land to the Crab Orchard Coal and Iron Company, a corporation.

They further state that the said John W. Debusk is still the owner of the said 97 acre tract conveyed to him. That Elizabeth Hounshell died intestate about the year 1885, leaving as her only heir at law, a daughter, Belle, now the wife of one B. F. Harris, and the said Belle Harris is now the owner of the said 103 acre tract, descended to her from her mother. Respondents are informed, believe and charge that the said Belle Harris has made a parol sale recently of 46 acres of the said 103 acre tract, to one H. P. Dixon, who has sold the same by parol to one John Bailey, but as said sales are not evidenced by any writing, respondents are advised that they are void in law.

Respondents further state that the Paulser Debusk tract was conveyed, for a valuable consideration, by deed dated July 11, 1890, to the said Crab Orchard Coal and Iron Company, from which company it passed, by judicial proceedings, three-sevenths thereof to respondents M. M. Butler, J. H. Caldwell and B. L. Dulaney, in the proportion of one-half thereof to the said M. M. Butler, and the remaining one-half, jointly, to the said J. H. Caldwell and B. L. Dulaney, and two-sevenths of said tract passed to your respondent I. S. Anderson, the remaining two-sevenths having passed to one Mary J. James, all of whom were purchasers of their said interests for valuable consideration.

The said Ellen Witt tract was conveyed, for a valuable

consideration, to the said Crab Orchard Coal and Iron Company by deed dated July 11, 1890, and in subsequent judicial proceedings, the title to the same passed to one W. W. Taylor, and has since passed to M. S. Kemerer, Executor of Henry L. Kemerer, deceased, who is now the owner thereof, the aforesaid mesne conveyances having been made for valuable consideration.

The Thomas R. Debusk tract was conveyed for a valuable consideration to the said Crab Orchard Coal and Iron Company, by deed dated July 11, 1890, and was subsequently conveyed, in judicial proceedings, for a valuable consideration, to the Black Mountain Coal and Coke Company, a corporation, which is now the owner thereof.

The 140 acre tract, originally conveyed to the Crab Orchard Coal and Iron Company, subsequently passed, by judicial proceedings, one-half thereof to your respondent I. S. Anderson, and the other one-half to Mary J. James, who paid valuable considerations for said interests, and your respondent I. S. Anderson has contracted to convey his said interest to the Black Mountain Coal and Coke Company, but no conveyance has yet been made.

Respondents further state, that the said John E. Debusk by deed dated January 22, 1882, conveyed 8 1/2 acres of the said land to one H. F. Barker, and by another deed bearing date the same date, conveyed 36 acres thereof to Francis Starling and Walter Debusk, and by another deed of same date conveyed 23 acres thereof to one Calvin Hounshell. Respondents are not advised as to whether or not these last named conveyances were made for a valuable consideration, but they have reason to believe, and they charge, that the said conveyances were made without consideration deemed valuable in law.

-5-

Respondents are advised that when an original tract of land becomes liable to liens such as are sought to be enforced in this proceeding, and alienations in different parcels are made of such land, some of such alienations being voluntary and others for valuable consideration, the rule of a court of equity that the aliened parcels will be subjected in the inverse order of alienation, will not be applied, but that the parcels conveyed without consideration must first be subjected, before any portion of the parcels aliened for valuable consideration are subjected, and respondents seek for the enforcement of this principal in this cause, if it should be determined that any of said lands are liable to the lien of the said judgment.

And now, having answered as fully as they are advised it is material they should answer, respondents pray to be hence dismissed with their proper costs in this behalf expended.

Louis Slump
P. D.

The Birdsall Co.

W. { Ans of J. S.
 { Anderson rather


H. L. Sprinkle et al

The Birdsall Co. and others, Plaintiffs,
Against) In Chancery,
H.L. Sprinkle and others, Defendants.

This cause came on this day to be heard upon the papers formerly read in the cause, the report of Commissioner M.G. Ely and deed filed therewith, and was argued by Counsel:

On consideration of which the Court doth approve and confirm said report and deed filed therewith, and the said Purchasers have permission to withdraw said deed from the cause for recordation, and nothing further remaining to be done this cause is stricken from the docket.

The Buckall Co. editions

no.  Decree Final

H. L. Sprinkle and others

Enter this

H. A. W. Shure

Dec. 21st, 1904

Entered C. B. No.

7, Page 567, -

The Birdsall Co. et al - - - - - Plaintiffs
vs. In Chancery.

H. L. Sprinkle et al - - - - - Defendants.

Upon the calling of this cause and the motion of the plaintiff to revive the same against the heirs of Vincent Boring, deceased, May Melcon, James Boring, Sallie Boring, Belle Young, Julia Williams and John R. Boring appeared in Court by counsel and admitted that they were the heirs at law of the said Vincent Boring deceased, and consented that said cause might be revived against them, without service of process; and thereupon said cause coming on to be heard upon the papers heretofore read and the appearance of said parties and waiver of process against them; and the report of M.G. Ely Special Commissioner of the sale of said land, and was argued by counsel:

On consideration of all of which, said suit is revived against the parties herein before named; and there being no exception to said report of sale, it is adjudged, ordered and decreed that the same be, and is hereby approved and confirmed; and it appearing to the Court from said Commissioner's report that said land was purchased by the said May Melcon, James Boring, Sallie Boring, Belle Young, Julia Williams and John R. Boring, who are the children and heirs at law of the said Vincent Boring deceased, and that they have paid in full all the purchase money for said interest in said land, and that they are now entitled to a deed for the same, it is further adjudged, ordered and decreed that M.G. Ely, who is hereby appointed a Special Commissioner for the purpose do make, execute and acknowledge a deed with covenants of Special Warranty, conveying to the said purchasers aforesaid the entire right, title and interest of the said H.L. Sprinkle in and to the lands in the bill and proceedings mentioned. He will report his action to a future day of this term of the Court, until which time this cause is continued.

The Biddall Co.
vs. { In clay
H. L. Sprinkle

Entered C. O. B.
No. 7, page 549

Enter this decree
H. A. W. Stearns
Dec. 13, 1904.

The Birdsall Co. and others, Plaintiffs,

Against) In Chancery,

H.L. Sprinkle and others, Defendants,

This cause came on this day to be heard upon the papers formerly read in the cause, and a suggestion that Vincent Boreing, since the institution of this suit, has died, and was argued by Counsel:

On consideration of which, and it appearing that Vincent Boreing died leaving as his children and heirs at law the following: May Melcon James Boreing, Sallie Boreing, Belle Young, Julia Williams, and John R. Boreing, it is therefore adjudged ordered and decreed that this cause as to Vincent Boreing dec. be revived in the name of the said children and heirs at-law aforesaid, and it is further decreed that the report of liens filed in this cause by Commissioner G.P. Cridlin be confirmed, and that the several creditors therein recover of the said defendant H.L. Sprinkle the amounts shown to be due them by said report, and the costs of this suit, and that who M.G. Ely who is appointed a Commissioner for the ^{purpose} will advertise and sell the interest of H.L. Sprinkle, being one fourth, of the tract described in this cause as containing 208 acres, said sale shall be according to law, at the front door of the Court house after advertisement for 30 days by notice in the vicinity of said land and at the Court house of Lee County, on a credit of one and two years except cost of suit and commissions on the sale, which will be paid down, but M.G. Ely before performing the duties required of him under this decree will execute bond before the clerk of this court in the sum of \$300. conditioned according to law, and report to court and the cause is continued.

The Birdsell Co. et al.
vs. Deere
W. L. Sprinkle et al.

See C. B. No. 7. p. 411

Enter this

Haw Stuen

Feb. 18th 1904

The Birdsall Co.

H. L. Sprinkle et als

This cause coming on again this day
to be heard upon the papers formerly
made herein and it appearing to the
Court that the defendants J. S. Anderson,
J. H. Caldwell, B. L. Dulaney, W. A.
Sparger, M. M. Butler, Mary J. James
B. J. James and The Black Mountain
Coal & Coke Company have fully settled
and compromised the matters in dis-
pute herein between themselves and the
plaintiffs and have fully paid all the
principal sums and proportional
part of costs agreed on between them-
selves and the plaintiffs and cross-com-
plainants, or those asserting liens on the
lands in controversy, it is adjudged or-
dered and decreed that this cause be dis-
missed as to said defendants and that
the lands in controversy owned by said
defendants shall be held by them free of
any of the liens asserted in this cause
and this cause is continued

boots, aty. \$15.00
 Shuff- 7.00
 bluk- 12.67

 \$34.67
 7.75

 \$42.42

The Bindall Co.

viz ~~dress~~
 H. S. Sprinkle et al

Enter this

H. A. W. Shum

Nov 5-03

Entered on Chy

OB. 7 P 359

The Birdsall Co.,Plaintiff.

vs. (In Chancery.) Decree.

H. L. Sprinkle,et al., Defendants.

This cause came on this the 13th day of July, 1903, to be heard upon the papers formerly read therein, and the answer of W. W. Taylor et al., and general replication thereto; and was argued by counsel. On consideration whereof, it is adjudged, ordered and decreed that this cause be continued.

The Birdsall Co.

v { Lu Chy

H.L. Sprinkle et al.

Decree & cont'd,

Ent. C. & B. 7, P. 341

Enter this decree
July 13 1903.

H. A. W. Sherr

The Birdsall Co., et al.,Plaintiffs.

vs. (In Chancery.))

H. L. Sprinkle, et al.,Defendants.

This cause came on this the 11th day of March, 1903, to be heard upon the papers formerly read therein, and the report of Geo.P.Cridlin, Special Commissioner, filed herein on the 21st day of February, 1903, and the depositions and other evidence returned therewith, and was argued by counsel.

And thereupon, on motion of the leave of the plaintiff, leave is granted them to file an amended bill, making the following persons parties to this suit, to-wit: Belle Harris, Thomas Harris, Robert Warden, John Bailey, the Black Mountain Coal & Coke Co., a corporation, Jennie Barker, James Barker, Sarah Adams, Ruthien Sturgill, Emily Herron, Eli Barker, Henry Barken (an infant) W.W.Taylor, R.A. Ayers and M.S.Kemmerer, Executor of Annie L.Kemmerer, and the said amended bill was accordingly filed.

And upon motion of I.S.Anderson, J.H.Caldwell, B.L.Dulaney, W.A. Sparger and M.M.Butler, by their counsel, leave is granted them to file their joint and separate answer to the said original and amended bills, and the same is accordingly filed; and the plaintiffs replied generally to the said answer.

And the defendants W.W.Taylor, R.A.Ayers and M.S.Kemmerer, Executor of Annie L.Kemmerer, appeared to the said original and amended bills, by L.T.Hvatt, their attorney, and waived the issuance and service of process as to them, and are given until the first May rules, 1903, to file their answer to the said bills.

And it is adjudged, ordered and decreed that this cause be remanded to rules to be properly matured as to the said Belle Harris, Thomas Harris, Robert Warden, John Bailey, the Black Mountain Coal & Coke Co., Jennie Barker, James Barker, Sarah Adams, Ruthie Sturgill Emily Herron, Ely Barker, and Henry Barker.

~~And on motion of the~~

The Birdsall Co.
v { In Chy.

H. L. Sprinkle et al.

Decree remanding
cause to scales to
mature for hearing
an amended bill.

Ent. C. B. M. 7, R 285

Enter this decree
March 11, 1903.

H. L. W. Sprinkle

The Birdsall Company et al. - - - - - Plaintiffs.

vs.

H.L.Sprinkle.et al. - - - - - Defendants.

This cause came on this day to be heard on the bill of complainants, and exhibits filed therewith; process duly executed on the home defendants, and order of publication duly posted and published against the non-resident defendants; and was argued by counsel:

On consideration whereof said bill is taken for confessed as to all of the defendants, they each failing to appear, plead, answer or demur;

And it appearing to the Court that there are other liens, perhaps binding on the lands described in complainants' bill it is therefore adjudged, ordered and decreed that Geo.P.Cridlin, who is hereby appointed a special Commissioner for the purpose, will ascertain and report all liens existing against the lands, or interests in lands described in said bill, to whom due, the amounts and the priorities, and whether or not said lands will rent for a sum sufficient in five years to pay said judgment liens; he will also ascertain and report whether or not there are any other parties claiming to own and in possession of said land other than those ~~n~~ named in the bill, and he will report any other matter deemed pertinent by himself or required by any party in interest; but before acting hereunder said Commissioner will give notice of the time and place of his sitting by written notice posted at the front door of the Courthouse for at least fifteen days; and report his action to Court.

And this cause is continued.

The Birdsall Co. and others

vs. {

H. L. Sprinkle and others

Ent. C. B. No 7. P. 198.

Enter this

H. A. W. Starn

Nov. 14th. 1904.

The deposition of Calvin Hounshell, taken before me, Geo.P. Cridlin, special Commissioner in the Chancery cause of the Birdsall Co. et al vs. H.L. Sprinkle et al, on the 11th day of January, at my office in the town of Jonesville, Va., to be read as evidence in behalf of the plaintiff in said cause.

Present M.G. Ely counsel for plaintiffs.

~~Calvin~~ Calvin Hounshell a witness of lawful age being duly sworn deposes as follows:-

Q.1.-- Please state your age, occupation and place of residence.

A.-- I am 41 years old, am a farmer, live near Ben Hur, Lee County Virginia.

Q.2.-- Please state whether or not you are acquainted with the 500 acre tract of land bought by John E. DeBusk from Ira G. Sprinkle and others, situated in the upper Crab Orchard, and described in a deed filed with the plaintiff's bill, and if you say you are please state as near as you can who are the present owners of said tract?

A.-- I am acquainted with the tract of land, I helped run around the land when it was surveyed. John E. DeBusk first conveyed 36 acres to Starlin, Francis and Walter DeBusk, and the surface of this land is now owned by one Thomas Harris, and the mineral right is owned by the Crab Orchard Coal & Iron Co. The next conveyance of this land was made by John E. DeBusk to myself and wife, 126 acres in all, 23 acres of which I had bought and paid for myself, the other 103 acres of which said DeBusk gave to my wife she being his daughter. I sold my 23 acres to H.P. Dixon, but have made him no deed for it, and I understand that Dixon sold the land to one John Bailey and that Bailey traded it to my daughter Belle Harris. My wife died about 17 years ago, leaving as her only heir a daughter Belle who is now married to one B.F. Harris, and she now lives on this 103 acres of land. I have a life estate in this 103 acres as tenant by curtesy, but I have allowed my daughter to take possession of the land and live on it. Another piece was laid off ~~the~~ to Paulser DeBusk, son of John E. DeBusk, containing about 111 acres, and I understood that the Crab Orchard Coal and Iron Co. bought this tract. A piece containing about 95 acres was laid off to Ellen Witt, and understand that she sold her tract to said Crab Orchard

Coal & Iron Co. Another piece containing about 97 acres was laid off to John W. DeBusk another son, who still owns it. Another peice was laid off to Thomas R. DeBusk, containing about 97 acres, and I understand that he also sold to the Crab Orchard Coal & Iron Co. I think also that ~~xxxxxxx~~ John E. DeBusk sold a small piece to France Barker, and I think Barker sold a part of this to Wm. Kelley

and that Kelley afterwards sold to Robert Warden. *and said John E.*

DeBusk sold Crab Orchard Coal & Iron Co. 140 acres of said tract

And further this deponent saith not.

his
Calvin X. Henshew
not

The deposition of H.P.Dixon, taken on the 31st day of January, 1903,

H.P.Dixon a witness of lawful age being duly sworn deposes as follows:

Q.1.-- Please state your age, occupation and place of residence.

A.-- I am 56 years old, I am a farmer and surveyor, reside about three and one-half miles east of Jonesville.

Q.2.-- Are you acquainted with the 500 acre tract of land owned by John E.DeBusk in his life-time in the Crab Orchard, which he purchased from Ira G.Sprinkle and others, and if you state that you do, will you please state if you know what disposition said DeBusk made of the same?

A.-- I am acquainted with said tract of land, it is the home tract of land on which John E.DeBusk lived as I understand it. About the first of January, 1882 Mr. DeBusk came to me and said that he was getting old, and that with the exception of a small tract of land around his house, that he wanted to divid the remainder of his lands among his children, and asked me to come to his house and ~~xxxx~~ do the surveying and assist in making the division, and I went right on with him that day and began the work. Before this time he had sold a small piece of this land to H.F.Barker, and he had me to lay off this piece to Mr. Barker at the same time and this piece contained about 8 1/2 acres, as I remember. I then laid off by his direction the balance of the said tract of land as follows:

1. A piece to Frances, Starlin and Walter DeBusk, containing about 36 acres.

2. A piece to C.B.Hounshell and Elizabeth Hounshell his wife, a tract of land containing about 126 acres.

3. A piece to Paulser DeBusk, containing 111 acres.

4. A piece to Ellen Witt, a daughter of said DeBusk, containing 95 acres.

5. A piece to Thomas R.DeBusk containing about 99 acres.

6. A piece to John W.DeBusk containing 97 acres.

7. Said John E.DeBusk reserved the remainder containing about 140 acres.

These parcels were all parts of the 500 acre home tract.

I did not

I did not survey all around the whole tract, but did survey enough to close the line on the east side. After I had closed the line we made the division from a large map of the same which Mr. DeBusk had. We did not go out and actually survey the lines of the parcels, but simply cut it up on the map. He said he was simply making this division as a gift, a division of his estate while he was yet in his right mind. As I understood from all the parties at the time no consideration passed between the said DeBusk and his said sons. ~~xxxxxxx~~ My understanding was that ~~xxxxxxx~~ he did sell and got the money for the 36 acre tract which he conveyed to Frances, Star- and Walter lin DeBusk; and also the 23 acres conveyed to C.B.Hounshell was bought by said Hounshell and paid for by him. At the same time I laid off certain other lands to ~~xxxxxxx~~ ^{another daughter} Mrs. Fitzpatrick, but they were not part of the 500 acre tract. The names of the children of said DeBusk to whom he conveyed parts of said five hundred acre tract are Mrs. Elizabeth Hounshell, Paulser DeBusk, Ellen Witt, Thomas R. DeBusk and John W. DeBusk.

Mrs. Elizabeth Hounshell died some years ago, and her daughter, and her only heir at law is now in possession of the 103 acres conveyed to Mrs. Hounshell. This daughter married one B.F. Harris. I purchased the 23 acre conveyed by John E. DeBusk to C.B. Hounshell by verbal contract, I traded this land to the said Mrs. B.F. Harris, for about 46 acres off of the southeast corner of the 103 acre tract, and I ~~conveyed~~ traded this 46 acres to John S. Bailey. I understand that the Crab Orchard Coal and Iron Co. bought the mineral right on the 36 acre tract conveyed to Frances DeBusk et al, and Thomas Harris owns the surface right on said tract. It is rumored through the Country that R.A. Ayers owns some interest in the Ellen Witt tract, but I have no personal knowledge about this matter.

And further this deponent saith not.

Wit. claims 1 day \$.50

Paid by M. G. Ely, atty.

Virginia, Lee County, to-wit:

I, Geo. P. Cridlin, Special Commissioner as set out in caption hereto, do certify that the foregoing depositions of Calvin Hounshell and H. P. Dixon were taken, sworn to and subscribed before me at the time, place and for the purpose therein mentioned.

Given under my hand this 21st day of Feb. 1903.

H. P. Dixon
Geo. P. Cridlin Comr.

The Birdsall co.
vs. {Depositions
H. L. Sprinkle et al

"Evidence"

Filed with report of
Geo. P. Bridlie, Sec. Court.
on 21st day of Feb. 1903.

Virginia:

For the Sheriff of Lee County

The Birdsall Company et al . - - - - - Plaintiffs

vs.

In Chancery.

H. L. Sprinkle et al - - - - - Defendants

To the Honorable H.A.W.Skeen, Judge of the Circuit Court
of Lee County, Virginia:

The undersigned Special Commissioner appointed by a decree entered in the above styled cause on the 14th day of November, 1902, after giving notice of the time, place and purpose of his sitting, as required by the terms of said decree, and as will be seen from a copy of said notice which is herewith filed marked "Notice", proceeded on the 19th day of January, 1903, at his office in the town of Jonesville, Virginia, the time and place designated in said notice to execute the requirements of said decree, and the proceedings having been thenceforth regularly adjourned from time to time, the result is here respectfully submitted.

Your Commissioner was, by said decree, directed to ascertain and report:-

1. All liens existing against the lands or interests in lands described in said bill, to whom due, the amount, and their priorities;

2. Whether or not said lands will rent for a sum sufficient in five years to pay said judgment liens;

3. Also whether or not there are any other parties claiming to own, and in possession of said land other than those named in the bill;

4. Any other matter deemed pertinent by himself, or required by any of the parties in interest.

Report of First Reference.

In statement "A" appended to this report your Commissioner has set out all the judgments against H.L.Sprinkle which appear of record, as liens upon his interest in the said 500 acre John E.DeBask tract of land. There are but four of these judgments, and they are all of the same date and are equal in point of priority. Calculated down to the 2nd, day of March, 1903, they amount to the sum of \$3433.66

In Statement "B" hereto appended your Commissioner has set out all the subsisting liens which he finds existing against said H.L.Sprinkle's interest in said 500 acre tract of land, as the property of any subsequent owners thereof. This statement shows two small judgments in favor of Blankenship and Ewing, amounting in the aggregate, on the 2nd, day of March, 1903, to \$29.95, which are liens on the one-third undivided interest which Walter R. DeBask, a vendee of John E. DeBask, at one time owned in the surface of 36 acres of said 500 acre tract. It also shows a deed of trust in to L.M. Wade, trustee, in favor of John B. Barker, to secure the sum of \$25.00, which is a lien on 2 1/3 acre of said 500 acre tract now owned by Robert Warden.

There is another large judgment docketed in the County Court in favor of W.S. Mathews, Comr. Clerk's office, against M.M. Butler, L.S. Anderson, B.L. Dalaney, W.W. James and other, who are owners of interests in this said tract of land, but your commissioner has been informed by several of the attorneys that this judgment has long since been fully settled in a suit heretofore pending in this Court, hence your Commissioner, although not able to verify this information because the papers in said suit could not be found, has thought it not necessary to report this judgment.

In statement "C" hereto appended your Commissioner has set out all the liens existing against the 308 acre Boreing tract of land, or rather against the interest of the said H.L. Sprinkle in said tract of land. These liens which are all judgments amount in the aggregate to \$2946.36 as of the 2nd day of March, 1903, and are set out in said state^{ment} in order of priority. Your Commissioner finds on the Judgment Lien docket what appears to be two judgments docketed against Thomas J. Burk, H.L. Sprinkle and Robt. Burk, in favor of Blankenship and Ewing, but as these two appear to be exactly the same in every particular, your Commissioner is of opinion that they are the same judgment which has inadvertently been spread upon the docket twice, so he has only reported said judgment in one instance.

Report on Second Reference.

Your Commissioner reports that the interests of the said H.L. Sprinkle in the lands in the bill mentioned will not rent for ~~_____~~ a sum sufficient in five years to pay off the liens against the same.

Report on Third Reference.

Your Commissioner has had to depend almost exclusively upon the records in the Clerk's office for information concerning the ownership of said tracts of land.

As to the 500 acre John E. DeBusk tract, your Commissioner finds that said John E. DeBusk conveyed said tract of land in several parcels to different parties as follows:-

1st. 8 1/2 acres to H.F. Barker, by deed dated Jan. 22nd, 1882 (D.B. 25, page 123.)

2nd, 111 acres to Paulser DeBusk by deed dated Jan. 22nd, 1882. (D.B. 19, page 557.)

3rd. 36 acres to Francis, Starlin and Walter DeBusk, by deed dated Jan. 22nd, 1882, (D.B. 19, page 561)

4th, 126 acre to Calvin and Elizabeth Hounshell, ~~incorrectly~~ (23 to Calvin Hounshell and 103 to Elizabeth Hounshell) by deed dated Jan. 22nd, 1882. (D.B. 20 37.)

5th. 95 acres to Ellen Witt, by deed dated Dec. 26, 1882, (D.B. 24, 273)

6th. 99 acres to Thomas R. DeBusk, by deed dated Nov. 4th, 1885, (D.B. 21, p. 297.)

7th. 97 acres to John W. DeBusk, by deed dated Nov. 4th, 1885, (D.B. 21, p. 298.)

8th. 140 acre to Crab Orchard Coal & Iron Co., by deed dated Aug. 21st, 1890. (D.B. 25, 458.)

While taking these parcels collectively they seem to contain very much more than 500 acres, yet each peice appears to be part of this so-called 500 acre tract of land.

By deed dated Sept. 22, 1893 (D.B. 37, 365) H.F. Barker conveyed 2 1/2 acres of his 8 1/2 acre of said tract of land to one Robert Warden.

It has been reported to your Commissioner that said H.F. Barker is now dead, but Commissioner has no positive information of the fact, nor does he know who to report as the heirs at law of said Barker, should he be dead.

By deed dated July 11th, 1890 (D.B. 25, 454) Paulser DeBusk conveyed the said 111 acre of said tract of Crab Orchard Coal & Iron Co., retaining a lien for certain unpaid purchase money therefor.

In a chancery suit entitled 'Eaulser DeBusk vs. Crab Orchard Coal & Iron Co. the purpose of which was to collect said purchase money, said tract of land was sold, and by deed dated July 1st, 1902 (D.B.39 169) R.T.Irvine, Special Commissioner in said cause conveyed three-sevenths undivided interest in said tract of land to M.M.Putler, J.H.Caldwell, B.L.Dulaney, in the proportion of one-half thereof to M.M.Putler and one-fourth each thereof to J.H.Caldwell and B.L.Dulaney; and by deed dated on same date (D.B.39, p. 165.) said Irvine Comr. conveyed the other four-seventh of said land to Mary J.James and I.S.Anderson in equal proportions.

By deed dated June 2nd, 1890 (D.B.26, 162) Francis, Starlin and Walter DeBusk conveyed all the mineral in, on and under said 36 acre tract of land to Crab Orchard Coal & Iron Co. This mineral right was afterwards sold, in a chancery suit of M.M.Putler vs. Crab Orchard Coal & Iron Co., and by deed dated May 6th, 1902, J.H.Caldwell, Special Commissioner in said cause conveyed said mineral right to Black Mountain Coal & Coke Co. (D.B.39, 45.)

In the depositions taken before your Commissioner in this cause it is shown that the said Francis, Starlin and Walter DeBusk, sold the surface in said 36 acre tract to one Thomas Harris and that the said Thomas Harris is now in possession of said tract of land. If said Harris has any deed of conveyance for the surface of said land the same has never been recorded, and your commissioner is unable to give date of same or any of the conditions or provisions thereof.

Elizabeth Hounshell died some 17 years ago, and the 103 acre of said tract of land conveyed to her by said John E.DeBusk, descended to her only child, a daughter, Belle, who is now the wife of one B.F.Harris. The said Calvin Hounshell did not claim his right to curtesy in said 103 acres, but turned the same over to his said daughter upon her marriage, and the said Belle and her husband are now in possession of same.

Said depositions show that by parol sale said Calvin Hounshell has sold the 23 acres of said tract conveyed to him by said John E.DeBusk to one H.P.Dixon; that the said H.P.Dixon has exchanged this 23 acres to Belle Harris for 46 acres off of the 103 acres tract, and that said Dixon has sold the 46 acres to one John Pailey

Said sales and exchange being by parcel, your Commissioner is not able to make more definite report thereon.

By deed dated July 11th, 1890, Ellen Witt and her husband, conveyed the said 95 acres of said tract conveyed to her by John E. DeBask, to the Crab Orchard Coal & Iron Co. retaining lien for part of the purchase money. In the chancery suit of W.W. Taylor vs. Crab Orchard Coal & Iron Co., the purpose of which was to collect said purchase money, said land was sold, and by deed dated Jan. 10, 1892 (D.B. 23,462.) W.S. Mathews, Special Commissioner in said suit, conveyed said tract of land to W.W. Taylor; by deed dated Jan. 9th, 1894, (D.B. 33,104) W.W. Taylor and wife conveyed said tract of land to R.A. Ayers; and, by deed dated Dec. 13th, 1897 (D.B. 33, 536) R.A. Ayers conveyed said tract of land to M.S. Kemmerer Executor of Annie L. Kemmerer, deceased.

By deed dated July 11th, 1890 Thomas E. DeBask and wife conveyed the 99 acre parcel of said tract of land to Crab Orchard Coal & Iron Co. (D.B. 25,455.) This tract of land was sold in the chancery suit of M.M. Butler vs. Crab Orchard Coal & Iron Co., and by deed dated May 6th, 1902, J.H. Caldwell, special Commissioner in said cause conveyed said tract of land to Black Mountain Coal & Coke Co. (D.B. 39, 45.)

John W. DeBask has never conveyed the '97 acres of said tract of land which was conveyed to him by the said John E. DeBask.

Your Commissioner has been informed that the 140 acre parcel of said tract of land which was conveyed by said John E. DeBask to Crab Orchard Coal & Iron Co., has been sold in the chancery suit of J.D.F. Witt vs. said Crab Orchard Coal & Iron Co., and by Deed from W.S. Mathews, Special Commissioner in said case conveyed to I.S. Anderson and Mary J. James, but this deed is not on record in the Clerk's Office so far as your commissioner is able to ascertain, nor has your Commissioner been able to find the file of papers in said chancery cause or the original deed of said Commissioner for said tract of land. I.S. Anderson has informed your Commissioner that he and Mrs. James have contracted to convey this tract of land to Black Mountain Coal & Coke Co. but Comr. has found no such contract on record

The Deed has been recorded since the filing of this report. See D.B. 40, p. 99.

From the foregoing, which is a full statement of all transfers, in so far as your Commissioner has been able to ascertain, of said tract of land, or of part thereof from the said John E. DeBusk down to the present time, it will be seen that the present owners of said 500 acre tract, in which the said H.L. Sprinkle owned a one-fifth undivided interest, are as follows:

H. F. Barker (If dead, then his heirs)

Robert Warden.

M.M. Butler, J.H. Caldwell, B.L. Dalaney, Mary J. James, I.S. Anderson.

Black Mountain Coal & Coke Co. a corporation.

Belle Harris

M. S. Kennerer Executor of Annie L. Kennerer, deceased.

Calvin Hounshell (legal title to 23 a.)

John Bailey (46 acres by parcel purchase.)

As to the 203 acre Vincent Boreing tract of land mentioned in the bill, it will be seen from an inspection of the deed filed with the bill that H.L. Sprinkle did not sign nor acknowledge the same, nor has your Commissioner been able to find any deed of conveyance by which said Sprinkle conveyed to any one his interest in said tract of land, hence your Commissioner reports that said H.L. Sprinkle is still the owner of a one-fourth interest in this tract of land.

Report On Fourth Reference.

Your Commissioner has been requested to ascertain which of the conveyances of the parts of said 500 acre tract by John E. DeBusk were for valuable consideration and which were voluntary. Commissioner reports that the conveyances made of said tracts by said John E. DeBusk to his children, Paulser DeBusk, Elizabeth Hounshell, Ellen Witt, Thomas R. DeBusk and John W. DeBusk, were gifts by way of advancements to them from their father; and that the conveyances made of parcels of said 500 acre tract by said John E. DeBusk to Calvin Hounshell, H.F. Barker, Francis, Starlin and Walter DeBusk and Crab Orchard Coal & Iron Co. were for valuable consideration.

The depositions taken before your Comr. are herewith filed marked "Evidence"
All of which is respectfully submitted.

Geo. P. Credlin
Special Commissioner.

Commissioner certifies that he has been dilligently engaged in the investigation of the matters referred to him in this cause for 70 hours, for which he charges the sum of \$52.50.

This the 21st day of February, 1903.

Geo. P. Crutcher, Comr.

JUDGMENTS AGAINST H.L.SPRINKLE, WHICH ARE LIENS
UPON THE UNDIVIDED ONE-FIFTH INTEREST WHICH HE OWNED IN THE
JOHN E. DEBUSK 500 ACRE TRACT OF LAND.

To	Judgement in favor of Cullen & Newman vs. H.L. Sprinkle, rendered Aug. 31st, 1885 and docketed Sept. 3rd, 1885, for	\$ 67.65
"	Int. on same Sept. 15, '84 to Mch. 2nd, '03	74.92
"	cost in obtaining said judgment	8.84
		<hr/>
	Total amount due Mch. 2nd, '03.	\$ 151.41

To	Judgment in favor of Eagle Machine Works vs. H.L.Sprinkle and L.W.Wells, rendered Aug. 31st, 1885, and docketed Sept. 3rd, 1885 for.....	\$ 266.66
"	10% atty's. fee.	26.66
"	Int. from July 17 '84 to Mch 2, '03.	297.99
"	Costs of suit obtaining judgt.	14.07
		<hr/>
	Total amount due Mch 2nd, 1903	\$ 605.39

To	Judgment in favor of Charles Weiler & Son vs. H.L.Sprinkle, rendered Aug. 31st, 1885, and docketed Sept. 3rd, 1885, for	\$ 134.79
"	Int. from Sept. 9th, '84 to Mch. 2, '03	149.62
"	Costs of suit obtaining judgt.	8.94
		<hr/>
	Total amount due Mch 2nd, 1903.	\$ 293.35

To	Judgment in favor of Birdsall Co. vs. H.L. Sprinkle and L.W.Wells, rendered Aug. 31st, 1885, and docketed Sept. 3rd, 1885, for	\$ 670.34
"	Int. from July 17, '84 to Mch. 2, '03	749.10
"	Costs of suit for judgt.	14.07
		<hr/>
	Total amount due Mch. 2nd, 1903.	\$1433.51

	GRAND TOTAL OF LIENS.	<hr/> <hr/> \$2483.66
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"STATEMENT A"

LIENS AGAINST THE INTEREST OF WALTER R. DEBUSH IN THE
SURFACE OF 36 ACRE TRACT IN ADDITION TO THOSE GIVEN IN STATEMENT A.

To	Judgment in favor of Blankenship & Ewing vs. Walter R. DeBush, rendered Dec. 3, 1895, and docketed Oct. 12th, 1899, for	\$ 10.00
"	Int. from Mch. 1, '95 to Mch. 3, '03,	4.80
"	Costs.	1.55
		\$ 16.35
Total amount due Mch. 2nd, 1903.		

To	Judgment in favor of Blankenship & Ewing vs. Walter R. DeBush, rendered Dec. 3, '96, and docketed Oct. 9th, '99, for	\$ 10.00
"	Int. from Oct. 1, '99 to Mch. 3, '03	3.05
"	Costs.	1.55
		\$ 13.60
To total amount due Mch. 2nd, 1903.		
GRAND TOTAL		\$ 29.95

LIENS ON ROBERT WARDEN 2 1/3 ACRE TRACT IN ADDITION
TO THOSE GIVEN IN STATEMENT A.

TO	Deed of Trust to L.M. Wade, trustee, for the benefit of John B. Parker, dated Sept. 6th, 1897, for	\$ 25.00
"	Int. from Sept. 6th, '97 to Mch. 3, '03	3.35
		\$ 33.35
Total amount due Mch. 2nd, 1903.		

LIST OF LIENS AGAINST THE INTEREST OF H.L.

SPRINKLE IN THE BORING 208 ACRE TRACT OF LAND.

FIRST IN ORDER OF PRIORITY.

To	Judgment in favor of Cullen & Newman vs. H.L. Sprinkle, rendered Aug. 31, 1885, and docketed Sept. 3rd, 1885, for	\$ 67.65
"	Int. on same from Sept. 15, '84 to Mch. 2, '03.	74.92
"	Costs of suit to obtain judgt.	8.84
Total amount due Mch. 2nd, 1903.		\$ 151.41

To	Judgment in favor of Eagle Machine Works vs. H.L. Sprinkle and L.W. Wells, rendered Aug. 31, 1885, and docketed Sept. 3, 1885, for	\$ 266.66
"	10% atty's. fee	26.86
"	Int. from July 17, '84 to Mch. 2, '03	297.99
"	Costs of suit to obtain judgt.	14.07
Total amount due Mch 2, 1903.		\$ 605.39

To	Judgment in favor of Charles Weiler & Son vs. H.L. Sprinkle, rendered Aug. 31, 1885, and docketed Sept. 3rd, 1885, for	\$ 134.79
"	Int. from Sept. 9th, '84 to Mch 2, '03	149.82
"	Costs of suit to obtain judgt.	8.94
Total amount due Mch 2nd, 1885.		\$ 293.35

To	Judgment in favor of Birdsall Co. vs. H.L. Sprinkle and L.W. Wells, rendered Aug. 31, 1885, and docketed Sept. 3, 1885, for	\$ 670.34
"	Int. from July 17, '84 to Mch. 2, '03.	749.10
"	Cost of suit for judgt.	14.07
Total amount due Mch. 2nd, 1903.		\$1433.51

SECOND IN ORDER OF PRIORITY.

To	Judgment in favor of Cullen & Newman vs. H.L. Sprinkle, rendered April 2, 1889, and docketed April 13, 1889, for	\$ 74.73
"	Int. from Aug. 5, 1888 to Mch 2, '03	73.95
"	Cost of suit for judgt.	7.76
Total amount due Mch. 2, 1903.		\$ 156.44

THIRD IN ORDER OF PRIORITY.

To	Judgment in favor of Geo. T. Crider vs. H.L. Sprinkle and J.C. Noel, rendered Nov. 13, 1893, and docketed Dec. 12, 1893, for	\$ 64.90
"	Int. from Oct. 16, '93 to Mch 2, '03	36.52
"	Cost of suit for judgt.	10.73
Total amount due Mch 2, 1903.		\$ 111.15

Note: Geo. T. Crider is dead, and T. J. Ely is Admr. of his estate.

FOURTH IN ORDER OF PRIORITY.

To	Judgment in favor of J. L. Hansen vs. H.L. Sprinkle, rendered Jan. 16, '94, Docketed Apr. 3, '94.	\$ 125.00
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To	Amount Forward.	\$3751.25
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To Amount Brought forward. \$2751.35

----- FOURTH IN ORDER OF PRIORITY.-----

To Judgment in favor of A.D.Munsey vs. H.L. Sprinkle, rendered Mch.18th,1894, docketed Apr. 3,1894, for \$ 135.00
 " Int. on \$50. from July 3,'93 to June 31,'94 2.87
 " " " \$50. from Aug.3,'93 to June 31,'94 2.75
 " " " \$25. " Sept. 3,'93 to Jun.31'94 1.13
 " Costs 10.00
 To amt. due June 31,1904 \$ 141.75
 By amount paid June 21,1894 85.00
 To Balance due June 31,1894. \$ 56.75
 " Interest from June 31,'94 to Mch.3,'03 29.60

To amount due Mch 2nd, 1903. \$ 86.35

----- FIFTH IN ORDER OF PRIORITY.-----

To Judgment in favor of J.D.Russell vs. H.L. Sprinkle, rendered Sept.13,1894, and docketed June 3,1896, for \$ 13.38
 " Int. from Dec.23,'93 to Dec. 1,'94 1.01
 " Cost of suit. 1.25
 To Amount due Dec. 1,'94 \$ 20.64
 By amount from sale of gun by constable 11.25
 To Balance due Dec. 1st, 1894. \$ 9.39
 " Int. From Dec.1,'94 to Mch 2,'03 4.90

To amount due Mch 2nd, 1903. \$ 14.39

Note:

The credit given in this judgment was furnished Comr. by J.D.Russell and does not appear on Lien Docket of Execution book.

----- SIXTH IN ORDER OF PRIORITY.-----

To Judgment in favor of W.P.Wood vs. H.L. Sprinkle, rendered Feb. 9,1895, and docketed May 4, 1897, for - \$ 10.00
 " Int. from Mch 10,'93 to Mch 2,'03 5.99
 " Costs. 1.25

To amount due Mch 2nd, 1903. \$ 17.24

Note:

This judgment has been assigned to R.J.Wood & Sons.

----- SEVENTH IN ORDER OF PRIORITY.-----

To. Judgement in favor of Blankenship & Ewing vs. Thomas J.Bark, H.L.Sprinkle and Robt. Bark, rendered Oct. 26th,1895, and docketed Apr. 14, 1896, for.. . . . \$ 50.00
 " Int.from Nov. 5,1894 to Mch 2,'03 24.98
 " Costs. 2.35

To amount due Mch 2nd, 1903. \$ 77.33

GRAND TOTAL \$2946.35

----- N-O-T-I-C-E. -----

The Birdsall Company, a corporation, Eagle Machine Works, a corporation
Charles Weiler & Son and A.B. Munsey. Plffs.

vs.

H.L. Sprinkle, Calvin Hounshell, Elizabeth Hounshell, Francis Debusk,
Starlin Debusk, B.J. James, Mary J. James, I.S. Anderson, M.M. Butler,
P.L. Dulaney, W.A. Sparger, J.H. Caldwell and Vincent Boring Defts

At a Circuit Court continued and held for Lee County, at
the Courthouse thereof, on the 7th day of November, 1902, the fol-
lowing, among other things, was decreed:

--- EXTRACT FROM DECREE. ---

- - - - And it appearing to the Court that there are other liens
perhaps, binding on the other lands described in complainant's bill
it is therefore adjudged, ordered and decreed that Geo. F. Cridlin, who
is hereby appointed a special Commissioner for the purpose, will as-
certain and report all liens existing against the lands, or interests
in lands described in said bill, to whom due, the amounts and their
priorities, and whether or not said lands will ~~will~~ rent for a sum
sufficient in five years to pay said judgment liens: he will also as-
certain and report whether or not there are any other parties claim-
ing to own or in possession of said land other than those named in
the bill, and he will report any other matter deemed pertinent by
himself or required by any party in interest: but before acting here-
under said Commissioner will give notice of the time, and place of his
sitting by written notices posted at the front door of the Courthouse
for at least fifteen days: and report his action to court.

A copy teste:

A. B. Munsey Clerk.

----- COMMISSIONER'S NOTICE. -----

The parties interested in the decree from which the foregoing
is an extract, will take notice that, on the 12 day of January,
1903, at my office in the town of Jonesville, Va., I will proceed to
execute the same, when and where they are required to attend, with
such books, papers, vouchers, and evidences as will enable me to comply
with the order of the Court. This the 10 day of November, 1902.

Geo. F. Cridlin
Special Commissioner

The Birdsall Co. et.
vs. { Cour. notice
H. G. Sprinkle et al
notice posted + copy
sent to Irvine &
Bullitt - Dec. 11, 1902

Jan 12, 1903

The Birdsall Co. etal
vs. { Cour. Report.
H. L. Sprinkle etal

Filed Feb'y. 21, 1903

A. B. Munsey, Clerk

Court's Fee \$52.50

To the Honorable H.A.W. Skeen, Judge of the Circuit Court of
Lee County Virginia:

Your undersigned Commissioner begs to report that
pursuant to a decree entered in the Chancery cause of "The Birdsall
Co" and others, against H.L. Sprinkle and others, pending in your
honor's court, that he on the 12th day of November 1904, sold at the front
door of the Court house of Lee County, H.L. Sprinkle's one-fourth
undivided interest in the tract of land described in said bill as
containing 208 acres and had been assigned to Julian Ann Sprinkle
in a partition of the lands of John Olinger dec. and situated in the
Crab Orchard, at which sale, John R. Boring, May Nelson, James Boring, Lallie Boring, Belle Young, & Julia Williams
were the highest and best
bidders at the price of \$180. and they became the purchaser at that sum.
said purchasers paid your Commissioner the whole of said sum of \$180. in cash
and request that a deed be made to them for said land
and accept his notes for the residue due and payable in one and
two years from date bearing interest. Your commissioner recommends that
said sale be confirmed.

Respectfully submitted.

M. G. Ely,
Special Commissioner.

the Birdsell Co chals.

no. { Report of sales.

H. L. Sprinkle and others

Filed Nov. 21, 1904.

H. C. T. Ewing, clk.

To the Honorable H.A.W.Skeen, Judge of the Circuit Court of Lee
County, Virginia:

Your undersigned Commissioner begs to report that he has made
and executed to the purchasers of the real estate in this cause
being the interest of H.L.Sprinkle in the 208 acre tract described
in said cause, and the same is filed herewith, marked "deed".

Respectfully Submitted

M. G. Ely
Special Commissioner.

The Birdsell Co. & others
vs. Report of said
W. L. Sprinkle et als.

Filed Dec. 21st 1904
H. T. Ewing.
Att'y

44,978.3	Recent
13 969.7	20 cord
8 335.8	50 Loose
<u>67,288.8</u>	30
	100,000 yds

100,000 yds

20,000 - at 17. 3400.00

50,000 35-

30,000 65-

17,500.00
19500
 40,400

13,555-
9485-
1355-
23033

33,644
35-
 168220
67288
 841100

67,288.

13,557.6 at 17.

33,644
 20884

2303,50 20,186
 841106 68-
1882030 100930
 31835.36 21110
 1312031

VIRGINIA:

To the Sheriff of Lee County; Greeting:

You are commanded to summon H.P. Dixon to appear before ^{me} at
on 31st day of Jan. 1903
my office in the town of Jonesville, Virginia, to testify and the
truth to say in behalf of the plaintiff in a matter of account
pending before me as Commissioner in the Chancery cause of the
Birdsall Co. ^{et al} vs. H.L. Sprinkle et al, now depending in the Circuit
Court of Lee County, Virginia. And have then there this writ.

Given under my hand this the 27th day of January, 1903.

Geor. P. Credlin
Special Commissioner.

The Birdsall Co. et al

vs.

H. L. Sprinkle et al

Executed January the 29-1903

by Sam. J. [unclear] the [unclear]

witness N. P. Dixon to

appeared before the

Commissioner George

P. Birdsall at Jonesville

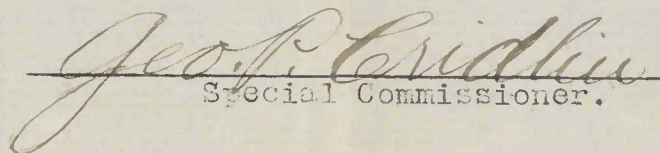
D. B. Bryn [unclear] D. S.

Commonwealth of Virginia:

To the Sheriff of Lee County, Greeting:

You are hereby commanded to summon Calvin Hounshell, personally to appear before me, at my office in the town of Jonesville, Virginia on the 12th day of January, 1903, to testify and the truth to say in behalf of the plaintiffs, in a certain matter of account referred to me as Special Commissioner, by a decree of the Circuit Court of Lee County, in a suit in chancery therein depending, between the Birdsall Company et als plaintiffs and H.L. Sprinkle et al defendants. And have then there this writ.

Given under my hand this the 26th day of December, 1902.


Special Commissioner.

Executed December the
27-1902 by summoning
the within witness
Calvin Hornshell
D.B. Byington D.S.
for W.G. Milburn
J. L. C.

In the Clerk's Office of the Circuit Court of the County of
Lee

The Birdsell Company, a corporation,
and others,

against

Plaintiffs,

In Chancery,

H. L. Sprinkle and others,

Defendants.

This day M. G. Ely

personally appeared

before me

A. B. Munsey,

Clerk of the said Court,

and being duly sworn, made oath that H. L. Sprinkle, Vincent Borning,

*John W. Debusch, M. M. Butler, B. L. Lulancy, and J. N. Caldwell W. A. Sparger,
and others unknown,

defendants in the said suit are not resident of the State of Virginia,

Given under my hand as Clerk of the said Court, this 24th day of Sept. 1902.

A. B. Munsey Clerk

The Birdsall Company

vs. {

AFFIDAVIT FOR ORDER
OF
PUBLICATION.

H. L. Sprinkle
and others

M. G. Ely p. q.

The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, That you summon H. L. Sprinkle, Calvin Houndsshell,
Elizabeth Houndsshell, Francis Debusk, Starlin Debusk, Walter Debusk, John H.
Debusk, B. J. James, Mary J. James, J. S. Anderson, M. M. Butler, B. L. Dulaney,
M. A. Sparger, J. D. Caldwell and Vincent Boreing

to appear at the Clerk's office of the Circuit Court of the County of Lee, at rules to be
held for the said court, on the 3rd Monday in October, 1902, to answer a
bill in chancery exhibited against them in our said court by

The Birdsall Company a Corporation" Eagle Machine works
a Corporation" Charles Weiler and Son and A. B. Munsey

And have then there this writ. Witness, A. B. MUNSEY, Clerk of our said Court,
at the court-house, the 24th day of September, 1902, and in the 127th
year of the Commonwealth.

A. B. Munsey, Clerk.

111	200
99	138
	<u>128</u>
140	463
36	<u>850</u>
<u>573860</u>	1313
772	<u>500</u>
68	1800
<u>6848</u>	<u>200</u>
	<u>2000</u>

Robbins

The Birdsall Company

VS. } SUBPOENA
IN CHANCERY.

H. L. Sprinkle et al

M. G. Ely p. q.

To 2nd October Rules.

1902. Circuit Court.

*Presented October 10th 1902, by printing
a copy of the within summons to H. L. Sprinkle
and Francis Belmont in person.
This October 17th 1902
J. H. Robbins Dep't.
Orangeburg, N. C.*

The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, That you summon H. L. Sprinkle, Calvin Houndschell
Elizabeth Houndschell, Francis Debusk, Starlin Debusk, Walter
Debusk, John W. Debusk, B. J. James, Mary J. James, J. S.
Anderson, M. M. Butler, B. L. Dulaney, W. A. Sparger, J. H.
Waddell and Vincent Boring

to appear at the Clerk's office of the Circuit Court of the County of Lee, at rules to be
held for the said court, on the 3rd Monday in October, 1902, to answer a
bill in chancery exhibited against them in our said court by
The Birdsell Company a Corporation; Eagle
Machine Machine works; Charles Weiler and Son
and A. B. Munsey

And have then there this writ. Witness, A. B. MUNSEY, Clerk of our said Court,
at the court-house, the 24th day of September, 1902, and in the 12^{7th}
year of the Commonwealth.

A. B. Munsey, Clerk.

vs.

}

SUBPOENA
IN CHANCERY.

p. q.

To Rules.

Court.

The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, That you summon ^{III} H. I. Sprinkle, Calvin Houndshell
Elizabeth Houndshell, Francis Debusk, ~~Starlin~~ Debusk, Walter Debusk, John, W
Debusk, B. J. James, Mary. J. James, I. S. Anderson, M. M. Butler, B. L. Dulaney, W. A,
~~Sparger, J. H. Caldwell~~ and Vincent Boreing,
to appear at the Clerk's office of the Circuit Court of the County of Lee, at rules to be
held for the said court, on the 3rd Monday in October, 1902, to answer a
bill in chancery exhibited against them in our said court by
The Birdsall Company a Corporation; Eagle
machine works a Corporation; Charles Weiler and
son and A. B. Munsey
And have then there this writ. Witness, A. B. MUNSEY, Clerk of our said Court,
at the court-house, the 24th day of September, 1902, and in the 127th
year of the Commonwealth.

A. B. Munsey, Clerk.

vs.

}

SUBPOENA
IN CHANCERY.

p. q.

To Rules.

Court.

The Commonwealth of Virginia:

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, that you summon *Belle Harris, Tom Harris,*
Robert Marden, Jenny Barker, James Barker, Sarah J.
Adams, Ruthy Sturgill, Emily Heron, Eli Barker,
John Barker, and Henry Barker (infant)
to appear at the Clerk's office of the Circuit Court of the County of Lee at the rules
to be held for the said Court, on the *1st* Monday in *May* 1903,
an amended
to answer to ~~A~~ bill in chancery, exhibited against *them* in our said Court by
The Birdsall Company, a corporation, Eagle Machine
Works, a corporation, Lehas Weiler & son and
A.B. Munsey

And have then there this writ. Witness. A. B. MUNSEY, Clerk of our said Court, at
the court-house, the *18th* day of *March* 1903 and in the
127th year of the Commonwealth.

A.B. Munsey Clerk

Serve copies on
 Belle Harris +
 Tom Harris +
 Robt Warden +
 Jimmy Barker +
 James Barker
 Sarah J. Adams +
 Rusty Sturgill +
 Emily Heron +
 Eli Barker
 John Barker +
 Henry Barker +
 (an infant)

Robbins

Form No. 300½

The Birdsall Company

vs.

SUBPENA

IN

CHANCERY.

Belle Harris et al

M. G. Ely

p. q.

To 1st May

Rules

Lee Circuit Court.

Executed March 28th 1903 by serving a true
 copy of the within subpoena notice in person on
 Belle Harris, Tom Harris Robt. Warden, Jimmy Barker,
 Sarah J. Adams, Rusty Sturgill, Emily Heron, and
 Henry Barker. This April 2nd 1903.

for W. G. Miehman of L. C.
 W. G. Robbins Dep't.

The Commonwealth of Virginia:

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, that you summon Belle Harris, Tom Harris,

Robert Warden, Jenny Barker, James Barker, Sarah J. Adams, Ruthy Sturgill, Emily Herron, Eli Barker, John Barker, and Henry Barker, (an infant)

to appear at the Clerk's office of the Circuit Court of the County of Lee at the rules to be held for the said Court, on the 1st Monday in May 1903,
an amended

to answer to a bill in chancery, exhibited against them in our said Court by The Birdsall Company, a Corporation, "Eagle Machine Works", a Corporation, Chas Weiler & son and A.B. Munsey

And have then there this writ. Witness. A. B. MUNSEY, Clerk of our said Court, at the court-house, the 18th day of March 1903 and in the 12^{7th} year of the Commonwealth.

A Copy

Teste: A.B. Munsey Clerk

A.B. Munsey Clerk

Serve on
James Barker
Eli Barker -
near Mud Lick,

Form No. 300½

The Birdsell Co.

vs. }

SUBPENA
IN
CHANCERY.

Belle Harris et als.

M. G. Ely. p. q.

To 1st. May Rules

Lee Circuit Court.

It is directed By delivering a true copy of the within
in summons to James Barker & son By me in
witness whereof this April the 27. 1903
N. B. Collier

Subscribed and sworn to before me this April 28. 1903

R. M. Morrison, J.C.

The Commonwealth of Virginia:

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, that you summon

Belle Harris, Tom Harris, Robt. Warden, Lemmy Barker, James Barker, Sarah J. Adams, Ruthy Stungill, Emily Herron, Eli Barker, John Barker and Henry Barker (an infant)

to appear at the Clerk's office of the Circuit Court of the County of Lee at the rules

to be held for the said Court, on the *1st* Monday in *May* 190*3*,

an amended to answer to a bill in chancery exhibited against *them* in our said Court by

The Birdsall Company, a corporation, "Eagle Machine Works", a corporation, Chas Heiler & Son, and A. D. Munsey

And have then there this writ. Witness. A. B. MUNSEY, Clerk of our said Court, at

the court-house, the *18th* day of *March* 190*3* and in the

12 *7th* year of the Commonwealth.

A. D. Munsey, Clerk,

A Copy

Teste: A B Munsey Clerk

April the
27 1903
The Eli Barker
the within named
person not
found in Wis
Co. Va
NB Collins
Hwb

Form No. 300½

The Birdsell Company

vs. }

SUBPOENA
IN
CHANCERY.

Belle Harris et al.

M. L. Ely p. q.

To 1st May Rules

Lee Circuit Court.

The Commonwealth of Virginia,

Serjt

City of Bristol Va

To the ~~Sheriff~~ of the ~~County of Lee~~, Greeting:

WE COMMAND YOU, That you summon H. L. Sprinkle, Calvin Houndsshell,
Elizabeth Houndsshell, Francis Debusk, Starlin Debusk, Walter Debusk, John M
Debusk, B. J. James, Mary J. James, J. S. Anderson, M. M. Butler,
B. L. Dulaney, M. A. Sparger, J. H. Chadwell and Vincent Boring

to appear at the Clerk's office of the Circuit Court of the County of Lee, at rules to be
held for the said court, on the 3rd Monday in October, 1902, to answer a
bill in chancery exhibited against them in our said court by

The Birdsall Company a Corporation" Eagle Machine works
a Corporation" Charles Weiler and Son and A. B. Munsey

And have then there this writ. Witness, A. B. MUNSEY, Clerk of our said Court,
at the court-house, the 24th day of September, 1902, and in the 127th
year of the Commonwealth.

A. B. Munsey, Clerk.

Executed By Serving on office copy of the within
 Summons on Mrs M. J. Jones at her Home on Jones St
 Bristol Va and also By serving a copy of Said within
 Summons on B. J. Jones By leaving a copy with his
 Wife at her Home on Jones St. Bristol Va and By
 Explaining contents of within summons to her being found
 By Jones nothing found at his usual place of abode and his wife being found there.
 This Oct 7th 1902

J. C. Hickman
 Court B. Va

Sergt of Bristol

The Birdsell Co

SUBPOENA

IN CHANCERY.

vs.

H. L. Sprinkle et al

M. L. Ealy p. q.

To 2nd October Rules.

1902, Circuit Court.

J. C. Vance: A Justice of the Peace in
 and for Bristol Virginia do Certify
 that J. C. Hickman made oath in
 due form of law that he served
 the within paper on the above named
 parties ^{may J. Jones & B. Jones} given under my hand 7th
 day of October 1902 J. C. Vance J. P.

**CERTIFICATE OF
ORDER OF PUBLICATION.**

We, C. S. Cox and C. R. Sprinkle,
Editors of the SOUTHWEST VIRGINIAN,
a weekly newspaper published at Jones-
ville, Lee county, Virginia, do hereby
certify that the annexed notice was
published in said paper once a week
for four successive weeks, commenc-
ing on the 25th day of

September 1902.

C. S. Cox

EDITORS.

C. R. Sprinkle

FEE, \$ 6.20.

Order of Publication.

VIRGINIA—In the Clerk's Office of the
Circuit Court of the County of Lee, on
the 24th day of September, 1902.

The Birdsall Company, a Corporation, et als, Plffs.	} In Chancery.
vs.	
H. L. Sprinkle, et als. Def'ts.	

The object of this suit is to enforce
the judgment liens of the plaintiffs a-
gainst the interest in the real estate
described in the bill and exhibits filed
therewith, as belonging to H. L. Sprin-
kle. And an affidavit having been made
and filed that the defendants H. L.
Sprinkle, Vincent Boring, John W. De-
Busk, M. M. Butler, B. L. Dalany, W.
A. Sparger, J. H. Caldwell, and others
unknown are not residents of the State
of Virginia, it is ordered that they do ap-
pear here within fifteen days after due
publication hereof, and do what may
be necessary to protect their interest in
this suit. And it is further ordered that
a copy hereof be published once a week
for four weeks in the SOUTHWEST VIR-
GINIAN, and that a copy be posted at the
front door of the Courthouse of this County
on the first day of the next term of the
County Court. A copy-teste:

A. B. MUNSEY, Clerk.

M. G. Ely, p. 4.

4Sept2302

$$\begin{array}{r}
 9503 \\
 424 \\
 \hline
 3800 \\
 475- \\
 237 \\
 \hline
 4512
 \end{array}$$

The Birdsall Co. et al
 vs. { In Chy.
 A. L. Sprinkle et al
